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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,898	08/01/2003	Philip Kwan	FOUND-0057 (034103-048)	9803

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EXAMINER
CHAN, SAI MING

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/631,898</td><td>Applicant(s)
KWAN, PHILIP</td></tr>
<tr><td>Examiner
Sai-Ming Chan</td><td>Art Unit
2616</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 May 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-41</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-41</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 3/23/2004, 3/15/2007,

7/30/2007, 11/30/2007, 12/3/2007, 2/19/2008 and 8/28/2008 have been considered by the

Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-10, 30-35 and 40-41 are rejected under 35 U.S.C. 102(e) as being

anticipated by **Meier et al. (U.S. Patent Publication # 20050185626)**.

Consider **claims 1** and **30,** Meier et al. clearly disclose and show a method

comprising:

sensing a user device (fig. 3 (302), paragraph 0032 (WSTA attempting to gain access to AP)) coupled to a port of a network access device (paragraph 0032 (attempting to gain access to AP));

determining if said user device supports a user authentication protocol (paragraph 0032 (AP attempts to authenticate the WSTA)); and

placing the port into a semi-authorized access state (paragraph 0022 (default guest set)) if it is determined that the user device does not support the user authentication protocol (paragraph 0022 (unauthorized guest WSTAs)), the semi-authorized access state providing the user device with limits access (paragraph 0022 (restricted access)).

Consider **claim 31,** Meier et al. clearly disclose and show an apparatus comprising:

means (paragraph 0010 (means)) for sensing a user device (fig. 3 (302), paragraph 0032 (AP receives a message from WSTA that it attempts to gain access to AP)) coupled to a port of a network access device (paragraph 0032 (attempting to gain access to AP));

means (paragraph 0010 (means)) for determining if said user device supports a user authentication protocol (paragraph 0032 (AP attempts to authenticate the WSTA)); and

means (paragraph 0010 (means)) for placing the port into a semi-authorized access state (paragraph 0022 (default guest set)) if it is determined that the user device does not support the user authentication protocol (paragraph 0022 (unauthorized guest

WSTAs)), the semi-authorized access state providing the user device with limits access (paragraph 0022 (restricted access)).

Consider **claim 2,** and as applied to **claim 1** above, Meier et al., clearly disclose and show a method, wherein said pre-configured network comprises a Voice over Internet Protocol (VoIP) network (paragraph 0003 (Voice over IP)).

Consider **claim 3,** and as applied to **claim 1** above, Meier et al., clearly disclose and show a method, wherein said pre-configured network comprises the Internet (abstract (IP)).

Consider **claim 4,** and as applied to **claim 1** above, Meier et al., clearly disclose and show a method, wherein said pre-configured network comprises a low security (paragraph 0020 (RADIUS, 802.1x for authentication)) virtual local area network (paragraph 0023 (VLAN)).

Consider **claim 5,** and as applied to **claim 1** above, Meier et al., clearly disclose and show a method, wherein the placing comprises selectively placing said port into one of a plurality of semi-authorized access states (paragraph 0022 (default guest set)).

Consider **claim 6**, and as applied to **claim 5** above, Meier et al., clearly disclose and show a method, wherein the placing comprises:

determining a type of the user device (paragraph 0008 (type of service for the wireless station)) ; and

selectively placing said port into one of a plurality of semi-authorized access states (paragraph 0022 (default guest set)) based on the type of user device (paragraph 0009 (identifies a type of service for the station).

Consider **claim 7,** and as applied to **claim 6** above, Meier et al., clearly disclose and show a method, wherein selectively placing comprises selectively placing the port into a semi-authorized access state (paragraph 0022 (default guest set)) that limits access by the user device to a network (paragraph 0022 (restricted access)) comprising a Voice over Internet Protocol network (paragraph 0003 (Voice over IP)).

Consider **claim 8,** and as applied to **claim 6** above, Meier et al., clearly disclose and show a method, wherein selectively placing comprises selectively placing the port into a semi-authorized access state (paragraph 0022 (default guest set)) that limits access by said user device (paragraph 0022 (restricted access)) to a network comprising the Internet (abstract (IP)) if said user device is a portable computing device (fig. 2 (208)).

Consider **claim 9,** and as applied to **claim 1** above, Meier et al., clearly disclose and show a method, wherein said user authentication protocol is IEEE 802.1x (paragraph 0029 (802.11)).

Consider **claim 10**, and as applied to **claim 1** above, Meier et al., clearly disclose and show a method, wherein said network access device comprises a network switch (paragraph 95, lines 1-8 (network switches)).

Consider **claims 32** and **40,**

        claim 34, and as applied to **claim 32** above,

they are being rejected for the reason as set forth in **claim 1.**

Consider **claim 35,** and as applied to **claims 34** above, it is being rejected for the reason as set forth in **claim 2.**

Consider **claim 33 and 37,** and as applied to **claim 32** above, Meier et al. clearly

disclose and show performing further user authentication in accordance with the user

authentication protocol if it is determined that the user device is able to communicate

using the user authentication protocol (paragraph 0021 (pass any authentication criteria

defined for its SSID)).

Consider **claim 41**, it is being rejected for the same reason as set forth in **claim**

31.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness

or nonobviousness.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims **11-19, 20-29 and 36-39** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Roese et al. (U.S. Patent Publication # 20030217151), in view of

Meier et al. (U.S. Patent Publication # 20050185626).

Consider **claim 11,** Roese et al., clearly disclose and show a network access

device comprising:

a plurality of input ports (fig.8 (106a & i), paragraph 27);

a plurality of output ports (fig.8 (106g & f), paragraph 27);

a switching fabric (fig. 1(136 – switching device), paragraph 27) for routing data

received on said plurality of input ports to at least one of said plurality of output ports;

and

control logic (paragraph 100 (802.1x to authenticate user for network access

control)) adapted to determine whether a user device coupled to one of said plurality of

input ports supports a user authentication protocol (paragraph 100 (802.1x to

authenticate user for network access control)) used by a host network,

However, Roese et al. do not specifically disclose placing the one input ports in a semi-authorized access state if the authentication protocol is not supported, the semi-authorized access state providing the user device with limited network access.

In the same field of endeavor, Meier et al. clearly show placing the one of the input ports in a semi-authorized access state (paragraph 0022 (default guest set)) if the authentication protocol is not supported (paragraph 0022 (unauthorized guest WSTAs)), the semi-authorized access state providing the user device with limited network access ((paragraph 0022 (restricted access))

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate a method for providing multiple access modes, as taught by Roese, and show placing the one input ports in a semi-authorized access state if the authentication protocol is not supported, the semi-authorized access state providing the user device with limited network access,as taught by Meier, so that network access can be performed smoothly.

Consider **claim 20,** Roese et al., clearly disclose and show a network system, comprising:

a host network that uses a user authentication protocol(paragraph 100 (802.1x to authenticate user for network access control);

a network access device (fig. 8 (114g & f), paragraph 136 (entry device)) communicatively coupled to said host network; and

a user device (fig. 2 (step 210), paragraph 69, lines 7-10) coupled to a port (fig.8 (106a & i), paragraph 27) of said network access device;

wherein said network access device is adapted to determine whether said user device supports said user authentication protocol (paragraph 100 (802.1x to authenticate user for network access control).

However, Roese et al. do not specifically disclose placing the one input ports in a semi-authorized access state if the authentication protocol is not supported, the semi-authorized access state providing the user device with limited network access.

In the same field of endeavor, Meier et al. clearly show placing the one of the input ports in a semi-authorized access state (paragraph 0022 (default guest set)) if the authentication protocol is not supported (paragraph 0022 (unauthorized guest WSTAs)), the semi-authorized access state providing the user device with limited network access ((paragraph 0022 (restricted access))

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate a method for providing multiple access modes, as taught by Roese, and show placing the one input ports in a semi-authorized access state if the authentication protocol is not supported, the semi-authorized access state providing the user device with limited network access ,as taught by Meier, so that network access can be performed smoothly.

Consider **claims 12 and 21, and as applied to claim 11 and 20 above,** respectively, they are being rejected for the reason as set forth in **claim 2.**

Consider **claims 13 and 22, and as applied to claim 11 and 20 above,** respectively, they are being rejected for the reason as set forth in **claim 3.**

Consider **claims 14 and 23,** and **as applied to claim 11 and 20 above,**

respectively, they are being rejected for the reason as set forth in **claim 4.**

Consider **claims 15 and 24,** and **as applied to claim 11 and 20 above,**

respectively, they are being rejected for the reason as set forth in **claim 5.**

Consider **claims 16 and 25,** and **as applied to claim 15 and 24 above,**

respectively, they are being rejected for the reason as set forth in **claim 6.**

Consider **claims 17 and 26,** and as applied to **claim 16 and 25** above,

respectively, they are being rejected for the reason as set forth in **claim 7.**

Consider **claims 18 and 27,** and as applied to **claim 16 and 25** above,

respectively, they are being rejected for the reason as set forth in **claim 8.**

Consider **claims 19 and 28,** and as applied to **claim 16 and 25 above,**

respectively, they are being rejected for the reason as set forth in **claim 9.**

Consider **claim 29,** and as applied to **claim 20** above, it is being rejected for the

reason as set forth in **claim 9.**

Consider **claim 36,** it is being rejected for the reason as set forth in **claim 11.**

Consider **claim 37,** and as applied to **claim 36** above, it is being rejected for the

reason as set forth in **claim 33.**

Consider **claim 38,** and as applied to **claim 36** above, it is being rejected for the

reason as set forth in **claim 1.**

Consider **claim 39,** and as applied to **claim 36** above, respectively, it is being

rejected for the reason as set forth in **claim 2.**

Response to Arguments

Applicant's arguments filed on June 23, 2008, with respect to claims 1, 11, 20,

30 and 31, on pages 11-17 of the remarks, have been carefully considered.

In the present application, Applicants basically argue, that Roese et al. do not

teach or suggest "determining whether the user device support a user authentication

protocol". The Examiner has modified the response with a new reference which

provides "determining whether the user device support a user authentication protocol".

See the above rejections of claims 1, 11, 20, 30 and 31, for the relevant interpretation

and citations found in Meier et al., disclosing the limitation.

In addition, the Examiner has separated claim 31 from the claim 1 in order to

respond to the means plus function in claim 31.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The

Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-

4100.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist/customer service whose telephone number is (571) 272-

2600.

Sai-Ming Chan
S.C./ sc

August 21, 2008

/Seema S. Rao/

Supervisory Patent Examiner, Art Unit 2616